

North Smithfield Zoning Board

August 5, 2008

Kendall Dean School

83 Greene Street, Slatersville, RI

The Chair called the meeting to order at 7:09 pm.

I. Roll call

Present: Vincent Marcantonio, Bill Juhr, Dean Naylor, Steven Scarpelli, Stephen Kearns. Also present were Building Official Bob Benoit, Assistant Solicitor Bob Rossi, and court stenographer Shelly Deming from Allied Court Reporters. Absent: Guy Denizard and Mario DiNunzio

II. Approval of Minutes—July 15, 2008

Mr. Kearns made a motion to approve the minutes of July 15, 2008. Mr. Scarpelli seconded the motion, with all in favor.

III. Approval of Written Decisions—Nuttall; Raymond; 146 Investment Partners, LLC

Mr. Kearns made a motion to approve the written decision of June 17, 2008 on the application of David and Toni Nuttall, requesting a dimensional variance from section 5.5, subsection 5.5.1, rear and side yard variances. Locus is 65 Brookside Drive, Plat 14, Lots 114 & 130. Mr. Scarpelli seconded the motion, with all members voting in favor.

Mr. Kearns made a motion to approve the written decision of May 20, 2008 on the application of Melissa Raymond, requesting a Special Use Permit, per section 4.1, for addition onto existing structure. Locus is 24 Summit Ave., Plat 9, Lot 534 in the RU-20 District. Mr. Scarpelli seconded the motion, with all members voting in favor.

Mr. Kearns made a motion to approve the written decision of May 20, 2008 on the application of 146 Investment Partners, LLC, requesting a Special Use Permit, per section 5.4.5 (12) for “outdoor commercial recreation.” Locus is 408 Eddie Dowling Highway, Plat 13, Lots 22 & 150 in a BH District. Mr. Scarpelli seconded the motion, with all members voting in favor.

IV. Application of Ryan Brouillette, requesting to remove earth material (gravel), which will require the granting of a Special Use Permit, per section 5.6.3.5. Locus is 1028 Providence Pike, Plat 11, Lot 48.

Ryan Brouillette sworn in by the court stenographer and addressed the Board. He bought the property earlier this year, and the back yard is at the level of the second story of the house. He would like to create a usable back yard by grading and revegetating the property. The existing configuration of the land has also caused drainage problems on the property. Mr. Juhr asked if the proposed plan will result in any water runoff or erosion to abutting properties. He wants to be sure the alteration to the property does not result in any impact

to neighbors. Mr. Brouillette stated that the restoration plans call for a swale around the back and along the sides of the house. This will lead any runoff to the existing manhole in front of the property. The fine grade and loam swale will be created to make sure no ponding occurs in the back of the house. Mr. Brouillette stated that due to the steepness of the back yard, material is not holding and is eroding into the back of the house.

The Site Grading Map, dated June 3, 2008, was entered as exhibit P1. Mr. Juhr referred to P1, to clarify that the path of the runoff is to both sides of the house, but predominately to the left. Referring to P1, the Board also discussed the existing slope and proposed slope. Mr. Brouillette stated that the slopes would either be loamed and hydro-seeded or mulched, in order to stabilize the slope. He can establish vegetation with a straw mat if need be.

Mr. Rossi read part of section 5.6.3.5 and said that the Board can dictate the restoration plan and the final contours after excavation, including the types of ground cover. Mr. Juhr asked if Mr. Brouillette would be willing to agree to a stipulation requiring the yard to be hydro-seeded with grass rather than mulch. Mr. Brouillette said he would agree to that. Mr. Kearns stated that the restoration plan has to be in compliance with section 5.6.3.5, concerning the maximum slope allowed. Mr. Brouillette stated that he is seeking relief on that because the existing conditions are so drastic and he is trying to make a usable backyard.

Mr. Scarpelli asked Mr. Benoit to explain the requirements. Mr. Benoit stated that the yard needs to be terraced with 5 feet up, then in 5 feet. Mr. Juhr asked if Mr. Brouillette could accomplish this terracing requirement. The Chair suggested that the applicant meet with his engineer to correct the plan to meet these criteria, and then return before the Board. Mr. Brouillette asked if he could work with Mr. Benoit and handle the approval administratively. Mr. Rossi stated that the Board should see the restoration plan with a landscape design that will comply with the ordinance, including fencing for safety during work. Mr. Scarpelli stated that the safety fencing is not needed for small projects, as this work will probably be only a 2-day project. Mr. Rossi suggested that a note stating a fence is not needed could be added to the plans, just to be sure that the ordinance requirements have been addressed. Mr. Kearns suggested that the plan be consistent, instead of stating "loam or mulch." Mr. Juhr recommended hydro-seeding the whole area. Mr. Juhr asked Mr. Benoit to give Mr. Brouillette a copy of this section of the ordinance. Mr. Benoit stated that he had given it to the applicant when he filled out his application.

Mr. Juhr made a motion to continue to August 19 so Mr. Brouillette could get the restoration plan redone to reflect conditions and requirements stated in section 5.6.3.5, especially subsections B1, B2, and C3 of the Zoning Ordinance. Mr. Kearns seconded the motion, with all in favor.

V. Application of Pound Hill Office & Business Park, LLC, requesting to open and operate a daycare center and an indoor and outdoor commercial recreation facility, which will require the granting of a Special Use Permit, per sections 5.4.4 (2A) Day Care, 5.4.5 (1.2) Other Outdoor Commercial Recreation, and 5.4.6 (7) Indoor Commercial Recreation. Locus is 621 Pound Hill Road, Plat 8, Lot 299.

Attorney Chris O 'Connor addressed the Board for the applicant. The following documents were marked and entered as into the record: Exhibit P1) application package, P2) Conceptual Design & Parking Plan, P3) Radius Map, O1) Memo from North Smithfield Town Planner, dated July 16, 2008, and O2) Memo from North Smithfield Town Planner, dated July 31, 2008. Mr. O'Connor was given copies of the memos (O1 & O2).

Mr. O' Connor began his presentation by stating that day care, indoor recreation, and outdoor recreation are all permitted in this zone by Special Use Permit. He stated that property owner Peter Sangermano is present at the meeting for questioning and testimony, as is an engineer, individuals from the proposed day care, and individuals from the proposed soccer facility. Mr. Sangermano was sworn in by the court stenographer. Mr. Scarpelli asked if the Planning Board had more documents to review when they heard this application. Mr. Sangermano stated that the Planning Board had same documents available as were submitted to the Zoning Board (P1, P2, & P3). He

stated that the plans displayed on the easel had been revised to show changes that had been discussed with the Planning Board and that were referenced in the memos (O1 & O2). Mr. Sangermano stated that the proposed day care facility will serve 120 children. The Rhode Island DCYF will have to review the plans and give their approval.

Mr. Kearns stated that their copy of the plan (P2) is too small and shows no detail. Mr. Sangermano stated that his copy of the plan, displayed on the easel, is the same as what had been submitted, with the addition of the playground areas. Mr. Juhr stated that the Board can not easily see those plans, and that their copies are too small to read. He suggested that the Board not continue without better copies of the information. Mr. O' Connor talked with his client, and agreed that in light of the Board's comments, it is best to provide the Board with the requested documentation and continue the hearing to the next meeting. Mr. Sangermano stated that he will submit large sized copies of the plans to the Building Official. Mr. Kearns made a motion to continue the hearing to August 19. Mr. Naylor seconded the motion, with all in favor.

Mr. Kearns made a motion to adjourn at 8:05 pm. Mr. Scarpelli seconded the motion, with all in favor.